

COLORADO REVISED STATUTES

\*\*\* This document reflects changes current through all laws passed at the Second Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2014) \*\*\*

TITLE 24. GOVERNMENT - STATE  
OTHER AGENCIES  
ARTICLE 46.3. WORK FORCE DEVELOPMENT  
PART 1. WORK FORCE DEVELOPMENT COUNCIL

C.R.S. **24-46.3-101** (2014)

**24-46.3-101.** State work force development council - creation - membership - funding through gifts, grants, and donations - talent pipeline cash fund

(1) There is hereby created within the department of labor and employment, also referred to in this article as the "department", the state work force development council, also referred to in this article as the "state council". The state council shall be established as a state work force investment board in accordance with the federal "Workforce Investment Act of 1998", 29 U.S.C. sec. 2801 et seq., as amended, also referred to in this article as the "federal act".

(2) Membership of the state council must include:

(a) The governor;

(b) Two members of the house of representatives appointed by the speaker of the house of representatives and two members of the senate appointed by the president of the senate;

(c) Representatives of business in the state, appointed by the governor, who are:

(I) Owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority, including members of local work force investment boards as specified in part 2 of article 83 of title 8, C.R.S.;

(II) Representatives of businesses with employment opportunities that reflect the employment opportunities in the state;

(III) Representatives that are appointed from among individuals nominated by state business organizations and business trade associations;

(d) Other members appointed by the governor, who are:

(I) Local elected officials;

(II) Representatives of labor organizations, nominated by state labor federations;

(III) Representatives of organizations and individuals that have experience with respect to youth activities;

(IV) Representatives of organizations and individuals that have experience and expertise in the delivery of work force investment activities, including chief executive officers of community colleges and community-based organizations in the state;

(V) The lead state agency officials with responsibility for the programs and activities authorized in the federal act for the establishment of one-stop systems and carried out by the partners at the one-stop career centers. If no lead state agency official has responsibility for such programs or activities, membership shall include a representative in the state with expertise relating to such programs or activities.

(VI) Such other representatives as the governor may designate, including persons with disabilities who can represent statewide cross-disability issues, which may include nonvoting members.

(3) For the purposes of determining a conflict of interest by any member of the state council, a member of the state council may not vote on matters under consideration by the state council regarding the provision of services by such member that would provide direct financial benefit to such member or the immediate family of such member, or engage in any other activity determined by the governor to constitute a conflict of interest as specified in the state plan.

(4) Members of the state council that represent organizations, agencies, or other entities shall be individuals with optimum policy-making authority within such organizations, agencies, or entities. The members of the state council shall represent diverse regions of the state, including urban, rural, and suburban areas.

(5) A majority of the voting members of the state council shall be representatives of business as described in paragraph (c) of subsection (2) of this section. The governor shall appoint a chairperson of the state council from one of the representatives of business as described in said paragraph (c).

(6) In order to create a small-voting-member state council consistent with the requirements of the federal act, state council members may be appointed to satisfy more than one of the membership categories specified in the federal act for the state work force investment board.

(7) (a) Except as provided in paragraph (b) of this subsection (7), the voting state council members that are members of the general assembly shall serve at the pleasure of the speaker of the house of representatives and president of the senate and shall continue in office until the member's successor is appointed. Lead state agency officials and nonvoting members shall serve at the pleasure of the governor. All other members shall initially serve for staggered terms of one, two, and three years, as designated by the governor upon their appointment.

(b) The terms of the members appointed by the speaker of the house of representatives and the president of the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker and the president shall appoint or reappoint members in the same manner as provided in paragraph (b) of subsection (2) of this section. Thereafter, the terms of the members appointed or reappointed by the speaker and the president shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker and the president shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term.

(8) The staff of the department, in consultation with the state council and governor, shall establish an annual budget for basic state council functions, activities, meetings, travel, per

diem, reports, and staff. Funding for the state council's budget shall come from a portion of the administrative moneys available to the mandatory and additional federal partner programs specified in 29 U.S.C. sec. 2841 (b) (1) and (b) (2). The amount of the administrative moneys from each mandatory and additional federal partner program to be transferred to the state council shall be determined by the office of state planning and budgeting, proportionate to the annual federal partner program or activity grant amounts to the state and appropriated by the general assembly. In addition to the federal partner programs grant funding, the state council shall seek other federal, state, and private grants, gifts, and contributions to fund state council special duties, demonstration projects, and initiatives.

(9) The members of the state council appointed pursuant to paragraph (b) of subsection (2) of this section are entitled to receive compensation and reimbursement of expenses as provided in section 2-2-326, C.R.S.

(10) The state council is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this article; except that the state council may not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this article or any other law of the state. The state council shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the talent pipeline cash fund created in subsection (11) of this section.

(11) (a) The talent pipeline cash fund, referred to in this subsection (11) as the "fund", is created in the state treasury. The fund consists of any moneys that the state council receives from gifts, grants, or donations pursuant to subsection (10) of this section.

(b) The moneys in the fund are annually appropriated to the state council to provide action grants to talent pipeline projects.

(c) All interest and income derived from the investment and deposit of moneys in the fund are credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall not be credited or transferred to the general fund or any other fund.

(12) (a) The members of the executive committee of the state council shall serve as members of the Colorado opportunity scholarship initiative advisory board created pursuant to section 23-3.3-1004, C.R.S.

(b) The executive committee of the state council shall identify staff members within the department of education created pursuant to section 24-1-115, the department of higher education created pursuant to section 24-1-114, and the department of labor and employment created pursuant to section 24-1-121 who shall be charged with assisting the state council in fulfilling its duties pursuant to this subsection (12).

**HISTORY:** Source: L. 2000: Entire article R&RE, p. 1908, § 2, effective July 1. L. 2007: (7) amended, p. 183, § 16, effective March 22. L. 2008: (1) and (8) amended, p. 1288, § 1, effective July 1. L. 2012: IP(2) and (2)(c)(I) amended, (HB 12-1120), ch. 27, p. 108, § 24, effective June 1. L. 2014: (9) added, (SB 14-153), ch. 390, p. 1963, § 16, effective June 6; (10) and (11) added, (SB 14-205), ch. 245, p. 943, § 2, effective August 6; (12) added, (HB 14-1384), ch. 347, p. 1559, § 2, effective August 6.

Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

Editor's note: This article was added in 1994. This article was repealed and reenacted in 2000, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 2000, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

Editor's note: (1) The effective date for amendments to this section by House Bill 12-1120 (chapter 27, Session Laws of Colorado 2012) was changed from August 8, 2012, to June 1, 2012, by House Bill 12S-1002 (First Extraordinary Session, chapter 2, p. 2432, Session Laws of Colorado 2012.)

(2) Section 33 of chapter 390 (SB 14-153), Session Laws of Colorado 2014, provides that changes to this section by the act apply to service provided to a state entity on or after June 6, 2014.

Cross references: For the federal "Workforce Investment Act of 1998", see 29 U.S.C. sec. 2801 et seq.